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Attorneys for Defendants City of Beverly Hills, a public entity (sued
 as itself and erroneously sued as Beverly Hills Police Department);
 Capt. Max Subin, Shelly Ovrom, Lt. Kevin Orth, Sgt. Dale
 Drummond, Lt. Renato Moreno, Capt. Mark Rosen, Lt. Shan Davis,
 Lt. Terry Nutall, Capt. Elizabeth Albanese, and Det. Mark Schwartz
 as current or former employees of the City of Beverly Hills

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

RICHARD CEJA, an individual, FINN
 O' MCCLAFFERTY, an individual,
 BRIAN WEIR, an individual,

Plaintiffs,

v.

THE CITY OF BEVERLY HILLS, a
 California municipal corporation, THE
 BEVERLY HILLS POLICE
 DEPARTMENT, a municipal agency,
 CAPT. MARK ROSEN, an individual,
 CAPT. LINCOLN HOSHINO, an
 individual, CAPT. ELIZABETH
 ALBANESE, an individual, CAPT.
 MAX SUBIN, an individual, SHELLY
 OVROM, an individual, LT. DAVID
 HAMEL, an individual, LT. SHAN
 DAVIS, an individual, LT. TERRY
 NUTALL, an individual, LT. RENATO
 MORENO, an individual, CHIEF
 DAVID SNOWDEN, an individual,
 OFFICER ANNE MARIE LUNSMAN,
 an individual, LT. KEVIN ORTH, an
 individual, SGT. DALE DRUMMOND,
 an individual, DET. MARK
 SCHWARTZ, an individual, and DOES
 ONE through ONE HUNDRED (1-
 100),

Defendants.

Case No.: 2:22-cv-05884-MEMF-AGR
 Judge: Hon. Maame Ewusi-Mensah
 Frimpong
 Cplt. filed: 08/18/2022

**DECLARATION OF JOHN J.
 STUMREITER AND EXHIBITS IN
 SUPPORT OF ABOVE-NAMED
 DEFENDANTS' NOTICE OF
 MOTION AND MOTION TO
 DISMISS SECOND AMENDED
 COMPLAINT AND CLAIMS
 THEREIN**

Date: November 16, 2023
 Time: 10:00 a.m.
 Loc.: Courtroom 8B
 U.S. Court House
 350 W. First St.
 Los Angeles CA 90012

DECLARATION OF JOHN J. STUMREITER

I, John J. Stumreiter, declare:

1. I am an attorney at law licensed to practice in all the courts of the state of California. I work for the law firm of Carpenter, Rothans, & Dumont, LLP, attorneys of record for Defendant City of Beverly Hills and the individual defendants referenced at the top of the caption page. I have personal first hand knowledge of the facts stated herein; I can and do testify competently thereto.

2. In connection with the original complaint, prior counsel had sent a meet and confer letter of December 16, 2022, a copy of which is attached as Exhibit F.

3. In response, plaintiffs chose to file a First Amended Complaint. The time for doing so was extended to February 22, 2023 (Dkt. 18, 19) and then to March 7, 2023 (Dkt. 29, 30).

4. The First Amended Complaint was filed on March 8, 2023. (Dkt. 40.) The Court's order allowing filing gave 30 days to respond. (Dkt. 30.) The response was thus originally due on April 7, 2023.

5. On March 30, 2023, Ms. Teixeira of this office sent a meet-and confer email to plaintiff's counsel as set forth in her declaration made with respect to the First Amended Complaint, copy of which is attached as Exhibit G. (The letter referenced therein as Exhibit A is attached hereto as Exhibit H.) I affixed the digital signature of Ms. Teixeira to such declaration, pursuant to her consent for me to do so and to file the same.

5. On March 31, 2023, I sent a meet-and-confer email to plaintiff's counsel (which was in addition to, and did not supersede, Ms. Teixeira's meet and confer email). A true and correct copy of my March 31 email is attached as Exhibit I. In that email, I noted that the First Amended Complaint made only slight changes to the original complaint, and that the meet-and-confer arguments of prior counsel, directed to the original complaint, still applied to the First Amended Complaint.

6. When I got in contact with plaintiff's counsel, we reached a stipulation, approved by the Court, to extend the time for response to the First Amended Complaint to April 28, 2023, in hopes of getting further meeting and conferring done.

7. Ultimately, plaintiff chose to file a Second Amended Complaint. We reached an agreement to permit its filing. (Dkt.44.) The Court made an order allowing it to be filed by May 22, 2023; if not filed, a respond to the First Amended Complaint would be due May 29, 2023. (Dkt. 47.) (Since May 29 is a federal holiday, the due date was automatically extended to May 30, 2023, under Rule 6, F. R. Civ. P.) By further stipulations and orders, the deadlines were extended.

8. On June 6, 2023, plaintiffs filed their Second Amended Complaint.

9. I reviewed that complaint and determined that the changes made, though extensive in terms of number of words, did not actually make a substantive change so as to override the arguments already presented as to the adequacy of the original complaint and the First Amended Complaint.

10. On June 27, 2023, I sent a detailed email to counsel for plaintiff in which I set forth the arguments about the Second Amended Complaint. A true and correct copy of such email is attached as Exhibit J.¹

11. I have not yet heard back from counsel for plaintiffs.

12. The documents attached as Exhibits A through F to the Request for Judicial Notice are true and correct copies of material which my firm obtained in connection with this matter.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Los Angeles, California, on July 6, 2023.²

/s/ John J. Stumreiter

¹ The letter refers to the March 30 and March 31 emailed meet and confer communications but refers to them with dates in May rather than March.

² Hearing date amended on July 7 to conform to change made by Court.